

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ARLENE DELGADO,

Plaintiff,

Civil Action No.:
19-cv-11764 (AT)

-against-

DONALD J. TRUMP FOR PRESIDENT, INC.,
TRUMP FOR AMERICA, INC.,
SEAN SPICER, individually,
REINCE PRIEBUS, individually,
STEPHEN BANNON, individually,

NOTICE OF MOTION

Defendants.

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PLEASE TAKE NOTICE that, upon the Declaration of Patrick McPartland, dated April 22, 2020, with exhibits, supported by the points and authorities set forth in the accompanying memorandum of law, dated April 22, 2020, and all prior proceedings, defendants Donald J. Trump for President, Inc. (the “Campaign”), Trump for America, Inc. (the “Transition Team”), Sean Spicer, and Reince Priebus (collectively, “Defendants”) will move this Court at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York 10007, before the Honorable Analisa Torres, as follows: (i) the Campaign is moving, pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure and 9 U.S.C. § 1 *et seq.*, to compel arbitration of two of plaintiff’s claims, *to wit*, breach of contract and promissory estoppel; and (ii) Defendants are moving, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, to dismiss with prejudice plaintiff’s “failure to hire” claim under the New York State Human Rights Law and New York City Human Rights Law, and plaintiff’s common-law claim for “tortious interference with prospective business relations.”¹

¹ The undersigned counsel does not represent defendant Stephen Bannon in this lawsuit, and no appearance has been made by him to date. The Transition Team, Sean Spicer, and Reince Priebus hereby join in and consent to the Campaign’s motion to compel arbitration.

Dated: New York, New York
April 22, 2020

LAROCCA HORNIK ROSEN
& GREENBERG LLP

/s/ Patrick McPartland

By: _____

Patrick McPartland
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To: Abraham Z. Melamed, Esq. (*via ECF*)